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Attorneys for Plaintiff
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES R. MCDANIEL,

Defendant.

No. 18-839-SJO

STIPULATION REGARDING REQUEST FOR
(1) CONTINUANCE OF TRIAL DATE AND
(2) FINDINGS OF EXCLUDABLE TIME
PERIODS PURSUANT TO SPEEDY TRIAL
ACT

CURRENT TRIAL DATE: August 6,
2019

PROPOSED TRIAL DATE: November 5,
2019

Plaintiff United States of America, by and through its counsel of record, the United States Attorney for the Central District of California and Assistant United States Attorney Ruth C. Pinkel, and defendant James R. McDaniel ("defendant"), both individually and by and through his counsel of record, Deputy Federal Public Defender Seema Ahmad, hereby stipulate as follows:

1. The Indictment in this case was filed on December 4, 2018. Defendant first appeared before a judicial officer of the court in which the charges in this case were pending on December 18, 2018.

1 The Speedy Trial Act, 18 U.S.C. § 3161, originally required that the
2 trial commence on or before February 26, 2019.

3 2. On December 18, 2018, the Court set a trial date of
4 February 12, 2019.

5 3. Defendant is detained pending trial. The parties estimate
6 that the trial in this matter will last approximately 3-4 days.

7 4. The Court has previously continued the trial date in this
8 case from December 18, 2018 to August 6, 2019, and found the interim
9 period to be excluded in computing the time within which the trial
10 must commence, pursuant to the Speedy Trial Act.

11 5. By this stipulation, defendant moves to continue the trial
12 date to November 5, 2019. This is the second request for a
13 continuance.

14 6. Defendant requests the continuance based upon the following
15 facts, which the parties believe demonstrate good cause to support
16 the appropriate findings under the Speedy Trial Act:

17 a. Defendant is charged with violations of 26 U.S.C.
18 § 7201: Tax Evasion. The government has produced discovery to the
19 defense, including over 540 pages of tax returns, tax information,
20 bank records, and witness interview reports. The government expects
21 to produce additional discovery in the coming weeks including records
22 from an IRS civil audit file and additional bank records.

23 Defense counsel is presently scheduled to be in trial on the
24 following dates in the following cases: (a) 07/30/19 - U.S. v.
25 Raymond Anthony Garza, CR 18-478-ODW, 2 defendants; 3 days;
26 distribution of meth; aiding & abetting; (b) 07/30/19 - U.S. v.
27 James Butcher, CR 18-510-AB, 2 defendants; 3 days; conspiracy to
28 distribute & possess w/ intent to distribute meth; (c) 08/06/19 -

1 U.S. v. Ernesto Ceja-Medina, CR 18-653-GW, 1 defendant; 2 days;
 2 illegal alien found in US following deportation; (d) 08/06/19 - U.S.
 3 v. Brittany Thomas, CR 18-838-ODW, 1 defendant; 2 days; bank fraud;
 4 theft of mail by postal service employee; (e) 08/13/19 - U.S. v.
 5 Brandon Vidal, CR 18-593-SJO, 1 defendant; 2 days; possession of
 6 unregistered firearms and ammunition; (f) 08/20/19 - U.S. v. Elmer
 7 Yexi Amaya, CR 18-678-FMO, 1 defendant; 2 days; alien in possession
 8 of firearms & ammunition; (j) 09/10/19 - U.S. v. Joseph Natale, CR
 9 18-611-FMO, 1 defendant; 2 days; distribution & possession of CP; (k)
 10 9/10/19 - U.S. v. Sahak Chilingaryan, CR 18-757-SJO, 1 defendant; 3
 11 days; possession of at least 15 unauthorized access devices;
 12 aggravated identity theft; (l) 09/17/19 - U.S. v. Saif Ala Al Deen,
 13 CR 18-866-TJH, 1 defendant; false information and hoaxes; (m)
 14 09/24/19 - U.S. v. Walter Muhammad, CR 18-348-JAK, 1 defendant; 3
 15 days; possession with intent to distribute controlled substances; (n)
 16 10/15/19 - U.S. v. Francisco Herrera, Jr., CR 17-061-AB, 2
 17 defendants; illegal use of communication facility to facilitate
 18 commission of felony drug Offense; possess w/ intent to distribute
 19 heroin; aiding and abetting. Accordingly, counsel represents that
 20 she will not have the time that he/she believes is necessary to
 21 prepare to try this case on the current trial date.

22 b. In light of the foregoing, counsel for defendant also
 23 represents that additional time is necessary to confer with
 24 defendant, conduct and complete an independent investigation of the
 25 case, conduct and complete additional legal research including for
 26 potential pre-trial motions, review the discovery and potential
 27 evidence in the case, and prepare for trial in the event that a
 28 pretrial resolution does not occur. Defense counsel represent that

1 failure to grant the continuance would deny her reasonable time
2 necessary for effective preparation, taking into account the exercise
3 of due diligence.

4 c. Defendant believes that failure to grant the
5 continuance will deny him continuity of counsel and adequate
6 representation.

7 d. The government does not object to the continuance.

8 e. The requested continuance is not based on congestion
9 of the Court's calendar, lack of diligent preparation on the part of
10 the attorney for the government or the defense, or failure on the
11 part of the attorney for the Government to obtain available
12 witnesses.

13 7. For purposes of computing the date under the Speedy Trial
14 Act by which defendant's trial must commence, the parties agree that
15 the time period of August 6, 2019 to November 5, 2019, inclusive,
16 should be excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A),
17 (h)(7)(B)(i), (h)(7)(B)(iv) because the delay results from a
18 continuance granted by the Court at defendant's request, without
19 government objection, on the basis of the Court's finding that: (i)
20 the ends of justice served by the continuance outweigh the best
21 interest of the public and defendant in a speedy trial; (ii) failure
22 to grant the continuance would be likely to make a continuation of
23 the proceeding impossible, or result in a miscarriage of justice; and
24 (iii) failure to grant the continuance would unreasonably deny
25 defendant continuity of counsel and would deny defense counsel the
26 reasonable time necessary for effective preparation, taking into
27 account the exercise of due diligence.

1 8. Under the Speedy Trial Act, if the trial is continued to
2 November 5, 2019, the last possible day for trial to commence would
3 be November 19, 2019.

4 9. Nothing in this stipulation shall preclude a finding that
5 other provisions of the Speedy Trial Act dictate that additional time
6 periods be excluded from the period within which trial must commence.
7 Moreover, the same provisions and/or other provisions of the Speedy
8 Trial Act may in the future authorize the exclusion of additional
9 time periods from the period within which trial must commence.

10 IT IS SO STIPULATED.

11 Dated: July 1, 2019
August

Respectfully submitted,

12 NICOLA T. HANNA
13 United States Attorney

14 BRANDON D. FOX
15 Assistant United States Attorney
16 Chief, Criminal Division

17 *[Signature]*
18 /s/ RUTH C. PINKEL
19 Assistant United States Attorney

Attorneys for Plaintiff
UNITED STATES OF AMERICA

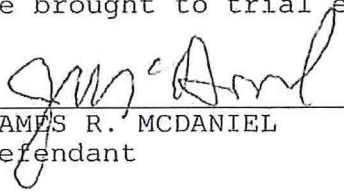
20 I am James R. McDaniel's attorney. I have carefully discussed
21 every part of this stipulation and the continuance of the trial date
22 with my client. I have fully informed my client of his Speedy Trial
23 rights. To my knowledge, my client understands those rights and
24 agrees to waive them. I believe that my client's decision to give up
25 the right to be brought to trial earlier than November 5, 2019 is an
26 informed and voluntary one.

27 *[Signature]*
28 SEEMA AHMAD

7/31/19
Date

1 Attorney for Defendant
2 JAMES R. MCDANIEL

3
4 I have read this stipulation and have carefully discussed it
5 with my attorney. I understand my Speedy Trial rights. I voluntarily
6 agree to the continuance of the trial date, and give up my right to
7 be brought to trial earlier than November 5, 2019.

8 
9 JAMES R. MCDANIEL
Defendant

7-31-2019
DATE